COURT NO.6

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 427 of 2003

Km. Sneha Bhaisora ..... PETITIONER

Versus

State of Uttaranchal ..... RESPONDENT

Hon'ble Rajesh Tandon J.

Heard Sri K.N. Joshi, counsel for the petitioner and Sri N.C. Gupta, Standing Counsel for the State at great length.

The petitioner has prayed for a mandamus directing the respondent to produce record of the first paper of Social Science and Sanskrit of the High School Examination for the year 2002.

The petitioner has stated that he has applied for scrutiny in the Social Science first paper and Sanskrit paper but the result of the scrutiny has not yet been communicated to him. On the other hand Sri N.C. Gupta, Standing counsel has stated that the result of the scrutiny of the answer book will be communicated to the petitioner within three weeks of filing of the certified copy before the authority concerned.

In view of the aforesaid statement made by Sri N.C. Gupta no further orders are necessary as the petitioner will get result of the scrutiny as stated by the learned Counsel for the State in respect of both the papers as stated aforesaid.

So far as other grievance of the petitioner is concerned regarding the marks received beyond her expectation is concerned in first paper of Social Science and Sanskrit paper. In paragraph 8 of the writ petition a statement has been made that she has been awarded only 28 marks out of 50 marks. Such statement is also there in paragraph 9 of writ petition regarding Sanskrit paper. So far as the submission made in paragraph 8 and 9 of the writ petition are concerned such revaluation is not possible under Article 226 of the Constitution of India.

However, in the interest of justice the petitioner may make a representation to the authority concerned regarding his grievances made in paragraph 8 and 9 of the writ petition. The authorities concerned will look after the grievances of the petitioner regarding marks awarded to her below her expectations. If such a representation is made the same shall be disposed of within one month of filing of certified copy of this order.

It is made clear that if no such representation is made within two weeks from obtaining the certified copy of the order passed by this court shall not be made operative.

With the above observations the writ petition is disposed of.

(Rajesh Tandon J.)

15.07.2003
Dhyani